

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 3/9/2020

Case Number 2:19-cr-00222

Case Style: USA vs. Kevin Fluharty

Type of hearing Plea Hearing

Before the honorable: 2513-Goodwin

Court Reporter Kimberly Kaufman

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Steven Loew

Attorney(s) for the Defendant(s) Mark McMillian

Law Clerk Erica Duff

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Plea Hearing

Court Time

10:55 am to 11:35 am

Total Court Time: 0 Hours 40 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 11:00 a.m.

Actual Start 10:55 a.m.

Deft present in person and by counsel.

Deft placed under oath.

Court finds Deft competent to go forward.

Mr. Loew summarizes plea agreement.

Court defers acceptance of plea agreement, but orders original filed.

The deft waives the reading of the Indictment

Deft pleads guilty.

Court reads statute with which Deft is charged.

Deft advised of elements of offense which gov't would have to prove at trial.

Deft gives account of the offense.

Mr. Loew summarizes gov't evidence against deft.

Court finds sufficient factual basis for deft's plea.

Deft advised of the penalties which may apply based upon plea

Deft advised of right to plead not guilty, to remain silent, and to stand trial.

Court finds deft's plea to be voluntary.

Deft executes guilty plea form; same witnessed by counsel and ordered filed.

Court accepts plea and adjudges Deft guilty as to Count Five

Sentence set for June 2, 2020 at 11:00 a.m.

Deft released pending sentencing.

Court recessed at 11:35 a.m.